

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

ROXANNA HURST,

Plaintiff,

vs.

Case No.: 3:14-cv-052

VILLAGE OF ENON, *et al.*,

Defendants.

Judge Walter H. Rice

Magistrate Judge Michael J. Newman

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**PROTECTIVE ORDER**

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This Order is entered pursuant to Magistrate Judge Michael J. Newman's Order (doc. 13) for the purpose of protecting the rights of Plaintiff.

1. This Order permits disclosure in the course of this action of the records or other tangible items in Judge Newman's Order (doc. 13), employment records and medical records of Plaintiff, to permit Defendants to prosecute this pending action. This Order does not otherwise affect any objections to discovery made pursuant to the Federal Rules of Civil Procedure.

2. Such records or other tangible items must be designated as subject to this Protective Order by conspicuously containing the phrase "UNDER PROTECTIVE ORDER" on each page.

3. Defendants' counsel shall not disclose any of the records or information contained in them to any person or entity other than Defendants themselves, and such employees or agents of counsel, including any expert, necessary to prepare for and prosecute this litigation.

4. Neither the parties, nor their counsel, nor any individual to whom they have made disclosure shall himself/herself make any disclosure of information covered under this Order. The sole purposes for which any discovery materials disclosed to the parties shall be used by the parties or their attorneys is to prepare for and to prosecute this litigation.

5. When any documents designated "UNDER PROTECTIVE ORDER," including

discovery responses, initial disclosures, portions of transcripts, or any other pleadings or papers disclosing or referring to such protected material, are used in connection with any motion, or pretrial hearing, or are otherwise submitted to the Court, leave must be sought to file under seal and, if such documents are filed after leave is granted, the documents shall be marked as follows:

**CONFIDENTIAL/SUBJECT TO A PROTECTIVE ORDER:**

This envelope contains documents that are subject to a protective order of this Court. The contents are not to be revealed to anyone except the Court, or with the prior written consent of the parties herein, or pursuant to any order of this Court.

6. Materials designated as “UNDER PROTECTIVE ORDER” may be used at trial to the extent they are admissible.

7. Nothing in this Order constitutes any decision by the Court concerning discovery disputes, or the admission into evidence of any specific document or liability for payment of any costs of production or reproduction for documents, nor does the Order constitute a waiver by Defendants or Plaintiff of any right to object to discovery or admission into evidence of any document or record subject to this Order.

8. Upon conclusion of this action (including appeals), all copies of documents released to the parties under this Order, and any copies made by the parties for use for any reason whatsoever in the litigation, excepting exhibits entered into evidence, shall be returned to counsel for Defendants within thirty days of written request by said counsel.

9. Per authority of *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996), no document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. Documents filed under seal shall comply with Southern District of Ohio Local Rule 79.3. This

Protective Order does not authorize filing under seal; any provisions in this Protective Order to the contrary are hereby stricken.

**IT IS SO ORDERED.**

June 17, 2014

s/**Michael J. Newman**  
United States Magistrate Judge